

SUMMARY OF TELEPHONE INTERVIEW:

The undersigned would initially like to thank the Examiner for the courtesies extended in the telephone interview on March 23, 2004. In the telephone interview proposed amendments to the claims were discussed. The proposed claim amendments are included in amended claims 6 and 16. In addition, the undersigned pointed out the differences in the references cited by the Examiner and the amended claims, which are reiterated below.

REMARKS

The above-noted amendment of claims 6, 10, and 16 are respectfully submitted prior to initiation of continued prosecution of this application in the U.S. Patent and Trademark Office. Claims 6 and 16 were amended to include language directed to the location of the measurement means. Claim 10 was amended to change the dependency from claim 7 to claim 1.

The above-noted amended claims are respectfully submitted in order to more clearly and appropriately claim the subject matter which applicant considers to constitute his inventive contribution. No new matter is included in these amendments.

Applicants respectfully submit the prior art cited by the Examiner fails to disclose or suggest each of the limitations in claims 6 and 16. In United States Patent Number 3,318,005 to Petersen, the cable is advanced by a takeup apparatus (col. 2, lines 48-49), and the strand measuring device can not be located downstream from the feed member. Similarly, in United States Patent number 2,711,026 to Nelson et al., "[t]he wire to be measured is moved by some means such as a takeup reel." (col. 1, lines 25-26). The wire measuring device cannot be located downstream from a feed member since the takeup reel, which performs the function of the feed member, collects all of the wire on a reel and would prevent a measure meter from measuring the wire down stream from the takeup reel.

In United States Patent Number 2,232,956 to Mathey the location of the feed member is not specified, and Mathey certainly does not disclose or suggest the location of the measure meter in relation to the feed member or other device moving the wire. Applicants reiterate the arguments made in the Response filed on February 9, 2004 that none of the references recognizes or addresses the problem of wire jamming in the feeding wheel of an apparatus for binding wire around an object and the solution of providing a measuring means separate from the feeding wheel. Indeed, the Nelson et al. and Petersen references could not have recognized this problem because they do not use feed members located upstream from the measuring device, and Mathey is silent with respect to this problem.

In view of the above, it is respectfully requested that these amendments now be entered, and that prosecution on the merits of this application now be initiated. If, however, for any reason the Examiner does not believe such action can be taken, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any objections which he may have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge applicant's Deposit Account No. 12-1095 therefor.

Dated: March 23, 2004

Respectfully submitted,

By Scott S. Servilla
Scott S. Servilla
Registration No.: 40,806
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant